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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 NATHANEL SCOTT,

11 Plaintiff,

12 v.

13 EVANS ADHESIVE  
14 CORPORATION,

15 Defendant.

Case No. 5:23-cv-00978-AB-PVC

**[PROPOSED] ORDER GRANTING  
DEFENDANT EVANS ADHESIVE  
CORPORATION'S MOTION TO  
DISMISS PLAINTIFF'S COMPLAINT  
WITH PREJUDICE**

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Date : September 1, 2023  
Time: 10:00 a.m.  
Ctrm: 7B  
Judge: Hon. André Birotte Jr.

1 On July 6, 2023, Defendant Evans Adhesive Corporation (“Defendant”) filed its  
2 Motion to Dismiss Plaintiff Nathanel Scott’s (“Plaintiff”) Complaint with prejudice.

3 Defendant seeks an order under Federal Rules of Civil Procedure 12(b)(6)  
4 dismissing with prejudice each of the claims in the Complaint for failure to state a claim  
5 upon which relief can be granted. All eight asserted causes of action in the Complaint lack  
6 sufficient factual allegations to state the essential elements of each cause of action. Instead,  
7 the Complaint contains legal conclusions and mere recitations of the elements of the causes  
8 of action, and the facts alleged do not sustain any of the eight causes of action.

9 The Court, having considered Defendant’s Motion to Dismiss, all papers filed in  
10 connection with the Motion, and the oral argument of the parties, and finding good cause,  
11 hereby GRANTS the Motion and ORDERS as follows:

12 The first cause of action fails to state the essential elements for disability  
13 discrimination under the Americans with Disabilities Act (“ADA”) and the California Fair  
14 Employment and Housing Act (“FEHA”), and it is dismissed with prejudice.

15 The second cause of action fails to state the essential elements for failure to engage  
16 in the interactive process under the ADA and the FEHA, and it is dismissed with prejudice.

17 The third cause of action fails to state the essential elements for failure to  
18 accommodate under the ADA and the FEHA, and it is dismissed with prejudice.

19 The fourth cause of action fails to state the essential elements retaliation under the  
20 ADA and the FEHA, and it is dismissed with prejudice.

21 The fifth cause of action fails to state the essential elements failure to prevent  
22 discrimination under the ADA and the FEHA, and it is dismissed with prejudice.

23 The sixth cause of action fails to state the essential elements for violation of the  
24 California Family Rights Act (“CFRA”), and it is dismissed with prejudice.

25 The seventh cause of action fails to state the essential elements for retaliation under  
26 the CFRA, and it is dismissed with prejudice.

27 The eighth cause of action fails to state the essential elements for wrongful  
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1 termination in violation of public policy, and it is dismissed with prejudice.

2 IT IS SO ORDERED.

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4 Dated: \_\_\_\_\_

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5 Hon. André Birotte Jr.

6 U.S. District Court Judge of California  
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